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7  
8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2006-987

11 **CANDACE ANN ENGLISH a.k.a.**  
12 **CANDICE ANN ENGLISH a.k.a.**  
13 **CANDICE ANN MURRAY**  
7172 La Habra  
Yucca Valley, CA 92284

**A C C U S A T I O N**

14 Vocational Nurse License No. VN 212387

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
20 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational  
21 Nursing and Psychiatric Technicians (Bureau).

22 2. On or about December 6, 2004, the Bureau issued Vocational Nurse  
23 License Number VN 212387 to Candace Ann English a.k.a. Candice Ann English a.k.a. Candice  
24 Ann Murray (Respondent). The Vocational Nurse License was in full force and effect at all  
25 times relevant to the charges brought herein and will expire on September 30, 2008, unless  
26 renewed.

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## JURISDICTION

3. This Accusation is brought before the Bureau, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2875 of the Code provides, in pertinent part, that the Bureau may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

6. Section 2878 of the Code states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(4) The use of excessive force upon or the mistreatment or abuse of any patient.

For the purposes of this paragraph, 'excessive force' means force clearly in excess of that which would normally be applied in similar clinical circumstances.

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

"(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee."

7. Section 490 of the Code states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the



1 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
2 contendere. Any action which a board is permitted to take following the establishment of a  
3 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
4 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
5 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
6 Penal Code.”

7 8. Section 2878.6 of the Code states:

8 “A plea or verdict of guilty or a conviction following a plea of nolo contendere  
9 made to a charge substantially related to the qualifications, functions and duties of a licensed  
10 vocational nurse is deemed to be a conviction within the meaning of this article. The board may  
11 order the license suspended or revoked, or may decline to issue a license, when the time for  
12 appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order  
13 granting probation is made suspending the imposition of sentence, irrespective of a subsequent  
14 order under the provisions of Section 1203.4 of the Penal Code allowing such person to  
15 withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,  
16 or dismissing the accusation, information or indictment.”

17 9. California Code of Regulations, title 16, section 2521, states:

18 “For the purposes of denial, suspension, or revocation of a license pursuant to  
19 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
20 act shall be considered to be substantially related to the qualifications, functions or duties of a  
21 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a  
22 licensed vocational nurse to perform the functions authorized by his license in a manner  
23 consistent with the public health, safety, or welfare.”

24 10. Section 125.3 of the Code provides, in pertinent part, that the Bureau may  
25 request the administrative law judge to direct a licensee found to have committed a violation or  
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 and enforcement of the case.

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**FIRST CAUSE FOR DISCIPLINE**

**(Substantially Related Crimes)**

11. Respondent is subject to disciplinary action under Code sections 2878, subdivision (f) and 490, as defined in California Code of Regulations, title 16, section 2521, in that Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a licensed vocational nurse, as follows:

a. On or about January 10, 2008, Respondent was convicted by the Court on a plea of guilty for violating Penal Code section 368(e) (elder abuse), a felony, in the Superior Court of California, County of Riverside, Indio District, Case No. INF058707 entitled *The People of the State of California v. Candace Ann English*.

b. The circumstances surrounding the conviction are that on or about March 15, 2007, while being a caretaker for an elder and dependent patient, Respondent embezzled and stole money and property from her patient in an amount exceeding four hundred dollars (\$400).

c. On or about July 17, 2007, Respondent was convicted by the Court on a plea of guilty for violating Penal Code section 470(d) (forgery of check), a felony, in the Superior Court of California, County of San Bernardino, Joshua Tree District, Case No. FMB700237 entitled *The People of the State of California v. Candace Ann English*.

d. The circumstances surrounding the conviction are that on or about April 2, 2007, Respondent received two final pay checks from Desert Manor Care Center in the amounts of \$363.15 and \$24.78. She altered the amounts into \$1,363.15 and \$224.78, then cashed and deposited the checks.

e. On or about July 17, 2007, Respondent was convicted by the Court on a plea of guilty for violating Penal Code section 484G(a) (petty theft), a misdemeanor, in the Superior Court of California, County of San Bernardino, Joshua Tree District, Case No. MMB700229 entitled *The People of the State of California v. Candace Ann English*. The Court withheld pronouncement of judgement.

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1 f. The circumstances are that on or about February 21, 2007, Respondent  
2 went to her co-worker's house and stole a credit card and some checks from the victim's  
3 checkbook. On or about February 22, 2007, Respondent used the stolen credit card to purchase  
4 gas.

5 g. On or about July 17, 2007, Respondent was convicted by the Court on a  
6 plea of guilty for violating Penal Code section 484E(d) (theft), a felony, in the Superior Court of  
7 California, County of San Bernardino, Joshua Tree District, Case No. FMB008718 entitled *The*  
8 *People of the State of California v. Candice Ann English a.k.a. Candice Ann Murray*.

9 h. The circumstances surrounding the conviction are that on or about January  
10 15, 2007, Respondent stole a wallet belonging to her friend and made purchases and/or paid bills  
11 with her friend's credit cards.

12 i. On or about January 9, 2007, Respondent was convicted by the Court on a  
13 plea of guilty for violating Penal Code section 484G(a) (grand theft), a misdemeanor, in the  
14 Superior Court of California, County of San Bernardino, Joshua Tree District, Case No.  
15 FMB008673 entitled *The People of the State of California v. Candace Ann English*.

16 j. The circumstances surrounding the conviction are that on or about  
17 November 22, 2006, Respondent stole a credit card from her co-worker. On or about November  
18 22, 2006, Respondent made purchases at Food-4-Less and Wal-Mart using the stolen credit card.  
19 On or about November 23, 2006, Respondent attempted to make a purchase from Walgreens  
20 with the stolen credit card again but her access was denied.

## 21 SECOND CAUSE FOR DISCIPLINE

### 22 (Mistreatment or Abuse of Patient)

23 12. Respondent is subject to disciplinary action under Code section 2878,  
24 subdivision (a)(4) for mistreatment or abuse of an elder and dependent patient. The  
25 circumstances are as described above in paragraph 11, subparagraphs (a) and (b), and  
26 incorporated herein by reference as if fully stated.

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